

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARY HALEY and MICHAEL HALEY,  
LESLIE BANKS and JAMES HAL BANKS,  
ANNIE BUINEWICZ and BRIAN BUINEWICZ,  
TERRANCE McIVER AND JEAN ANN McIVER,  
SUSAN SENYK, CHRISTIAN SENYK,  
GARY SAMUELS, PATRICIA GROOME,  
MATTHEW DELLER, RENEE DELLER  
and MARIE LOHR, on behalf of themselves and  
all others similarly situated,

Plaintiff,

v.

KOLBE & KOLBE MILLWORK CO., INC.,

Defendant,

and

FIREMAN'S FUND INSURANCE COMPANY  
and UNITED STATES FIRE INSURANCE COMPANY,

Intervenor Defendants.

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Pursuant to the mandate issued by the Court of Appeals for the Seventh Circuit on September 15, 2017, dkt. #601, I am vacating the judgment entered on August 25, 2016, in which I granted the renewed motion for summary judgment filed by intervenor defendant United States Fire Insurance Company, dkt. #531; granted the court's own motion for

summary judgment with respect to intervenor Fireman's Fund Insurance Company; and declared that neither intervenor defendant had a duty to defend defendant Kolbe & Kolbe Millwork Co., Inc. in this case. Dkt. #568. Because I anticipate that defendant and the intervenor defendants may wish to raise issues related to attorney fees and costs as a result of this ruling, I will give them until October 20, 2017 to file any such motions.

### ORDER

IT IS ORDERED that

1. The August 25, 2016 judgment entered in favor of intervenor defendants United States Fire Insurance Company and Fireman's Fund Insurance Company, dkt. #568, is VACATED.

2. Defendant Kolbe & Kolbe Millwork Co., Inc. and the intervenor defendants shall have until October 20, 2017 to file any motions related to attorney fees and costs in this case.

Entered this 18th day of September, 2017.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge